

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE SEPTEMBER 4, 2009

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AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1531**

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**Introduced by Assembly Member Portantino**

February 27, 2009

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~~An act to amend Section 14310 of, and to add Article 6 (commencing with Section 14320) to Chapter 3 of Division 14 of, the Elections Code, relating to elections. An act to amend Section 2107 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1531, as amended, Portantino. ~~Elections: voter registration. Voter registration: one-stop voting.~~

*Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot*

*to vote the ballot at the office of the elections official beginning 29 days before the election.*

*This bill would establish one-stop voting whereby a person would be permitted to register to vote and immediately vote on election day or at any time prior to election day when ballots may be cast. The bill would require a voter, in order to register and vote by means of one-stop voting, to visit a location at which one-stop voting is available, to present proof of identity and current residence, as specified, and to complete an affidavit of registration. Upon completing that registration, the voter would be immediately eligible to vote by regular ballot. If the voter is unable to complete that registration because the voter is unable to present proof of identity or proof of current residence, the voter would be permitted to register and vote by provisional ballot.*

*The bill would require each county elections official to compile an index of voters who register to vote by one-stop voting. After the official canvass of the votes for that election is completed, the elections official would be required to review the names on the index and cancel duplicate registrations. The elections official would be required to send a voter registration form to every person who properly registered to vote by one-stop voting, and those persons would be registered for future elections at the address that the voter declared for purposes of voter registration. The elections official would be required to notify the district attorney and the Secretary of State if it appears that a person has engaged in fraudulent voting.*

*The bill would require that one-stop voting be available at every permanent office of a county elections official beginning January 1 of the year following the availability of VoteCal.*

*In addition, the bill would require that each location at which one-stop voting is available have a separate area for the process and have at least one precinct board member who is trained in one-stop voting. The bill would authorize the Secretary of State to adopt appropriate regulations to implement one-stop registration and voting.*

*By creating new duties for local elections officials, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,*

*reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law prohibits a person from registering to vote except by affidavit of registration and requires that the affidavit be received by the county elections official no later than 15 days prior to the election, with specified exceptions. Under existing law, a person registered as a voter in any precinct in the state who moves from the district within 14 days prior to election day is, for the purpose of that election, entitled to vote in the precinct from which the person moved until the close of the polls on election day.~~

~~This bill would authorize a person who qualifies to vote in the state to register or reregister at the office of the local elections official commencing 14 days prior to election day and continuing through election day or at the person's precinct on election day. A person who registers to vote prior to election day and provides proof of current residence would be permitted to cast a vote by mail ballot. A person who registers to vote on election day would be permitted to cast a provisional ballot.~~

~~The bill would also require local elections officials to compile a list or index of voters who registered or reregistered to vote pursuant to these provisions and to conduct a review no later than 30 days after the canvass of the votes for the election. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.~~

~~The bill also would make conforming changes to provisions relating to provisional ballots.~~

~~The bill would make its provisions operative on January 1, 2012.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature finds and declares all of the*  
2     *following:*

1     (a) *It is a fundamental principle of the United States that the*  
2 *people shall have access to our systems of democracy without*  
3 *barriers to their participation.*

4     (b) *California currently ranks 41st out of 50 states in voter*  
5 *turnout.*

6     (c) *At the November 4, 2008, statewide general election,*  
7 *California experienced its largest voter turnout, as well as the*  
8 *greatest number of persons—798,332—who cast provisional ballots*  
9 *because of uncertainty about their registration status. While 82*  
10 *percent of those provisional ballots were ultimately counted, the*  
11 *county investment of staff overtime and resources to process these*  
12 *ballots was enormous. At the same time, a significant portion of*  
13 *the provisional ballots that were not counted resulted from the*  
14 *failure to timely register. One-stop registration and voting would*  
15 *help alleviate the staff overtime costs associated with processing*  
16 *numerous provisional ballots for counties.*

17     (d) *One-stop voting, without unnecessary steps, can significantly*  
18 *increase turnout. The nine states that have enacted one-stop voting*  
19 *lead the nation in voter turnout.*

20     (e) *The more people vote, the more clearly the public's voice*  
21 *is heard.*

22     (f) *California's registration procedures have not kept up with*  
23 *available technology to maximize the efficiency of the voting*  
24 *process.*

25     (g) *It is vital that California make every effort to maintain the*  
26 *integrity of our democracy by ensuring that every eligible voter*  
27 *may vote on election day.*

28     SEC. 2. *Section 2107 of the Elections Code is amended to read:*

29     2107. (a) ~~Except as provided in subdivision (b), the~~ *The county*  
30 *elections official shall accept affidavits of registration at all times*  
31 ~~except during the 14 days immediately preceding any election,~~  
32 ~~when registration shall cease for that election as to electors residing~~  
33 ~~in the territory within which the election is to be held. Transfers~~  
34 ~~of registration for an election may be made from one precinct to~~  
35 ~~another precinct in the same county at any time when registration~~  
36 ~~is in progress in the precinct to which the elector seeks to transfer~~  
37 ~~before the close of the polls on election day.~~

38     (b) *The county elections official shall accept an affidavit of*  
39 *registration executed as part of a voter registration card in the*

1 ~~forthcoming election if the affidavit is executed on or before the~~  
2 ~~15th day prior to the election, and if any of the following apply:~~

3 (1) ~~The~~ A mailed affidavit is postmarked on or before the 15th  
4 day prior to the election and received by mail by the county  
5 elections official *before the close of the polls on election day.*

6 (2) The affidavit is submitted to the Department of Motor  
7 Vehicles or accepted by any other public agency designated as a  
8 voter registration agency pursuant to the National Voter  
9 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) *not later than*  
10 *the 15th day* prior to the election.

11 (3) The affidavit is delivered to the county elections official by  
12 means other than those described in paragraphs (1) and (2) ~~and~~  
13 ~~(3) on or before the 15th day prior to the election~~ *close of the polls*  
14 *on election day.*

15 (c) *The county elections official shall accept an affidavit of*  
16 *registration that meets the requirements of Article 4.5 (commencing*  
17 *with Section 2170).*

18 SEC. 3. *Article 4.5 (commencing with Section 2170) is added*  
19 *to Chapter 2 of Division 2 of the Elections Code, to read:*

20  
21 *Article 4.5. Registration and Voting at One-Stop Voting Sites*  
22

23 2170. *For purposes of this article, "VoteCal" means the*  
24 *statewide voter registration database established by the Secretary*  
25 *of State and referred to by that designation.*

26 2171. (a) *In addition to other methods of voter registration*  
27 *provided by this code, an elector who is otherwise qualified to vote*  
28 *under this code and Section 2 of Article II of the California*  
29 *Constitution may register or reregister to vote at a one-stop voting*  
30 *site pursuant to this article and may immediately thereafter cast*  
31 *a ballot on the day of an election or at any time prior to the election*  
32 *during which ballots may be cast pursuant to existing law.*

33 (b) *An elector who is not currently registered to vote in a county*  
34 *shall not register to vote and cast a regular ballot in that county*  
35 *pursuant to this article unless the elector complies with all of the*  
36 *following:*

37 (1) *The elector visits, on election day or at any time during the*  
38 *period prior to the election during which ballots may be cast, a*  
39 *location at which the county elections official in the county in*  
40 *which the voter resides has made one-stop voting available.*

1     (2) *The elector presents proof of identity and proof of current*  
2 *residence.*

3     (3) *The elector completes an affidavit of registration.*

4     (c) *For purposes of this article, proof of identity and proof of*  
5 *current residence shall be consistent with Section 303(b) of the*  
6 *federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b))*  
7 *and shall consist of either of the following:*

8     (1) *A photo identification with a current name and address,*  
9 *which shall include one of the following:*

10     (A) *A driver's license or identification card of any state.*

11     (B) *A passport.*

12     (C) *A military identification card.*

13     (D) *A photo identification card designated in the regulations*  
14 *of the Secretary of State, as set forth in Section 20107 of Title 2*  
15 *of the California Code of Regulations, as last amended and filed*  
16 *with the Secretary of State on November 7, 2005, specifying*  
17 *standards for proof of identity or residence when proof is required*  
18 *by the federal Help America Vote Act of 2002 (42 U.S.C. Sec.*  
19 *15301 et seq.).*

20     (2) *A photo identification without a current address from the*  
21 *list in paragraph (1) and proof of current residence based on a*  
22 *document that includes the name and current address of the*  
23 *individual presenting it, and is dated since the date of the last*  
24 *statewide general election, unless the document is intended to be*  
25 *a permanent, one-time government document. The document shall*  
26 *be a proof of residence document designated in the regulations of*  
27 *the Secretary of State, as set forth in Section 20107 of Title 2 of*  
28 *the California Code of Regulations, as last amended and filed with*  
29 *the Secretary of State on November 7, 2005, specifying standards*  
30 *for proof of identity or residence when proof is required by the*  
31 *federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et*  
32 *seq.).*

33     (d) *A county elections official shall accept an affidavit of*  
34 *registration executed pursuant to this article that includes the*  
35 *current place of residence and other information required by*  
36 *Article 4 (commencing with Section 2150).*

37     (e) *A county elections officials shall accept the following as the*  
38 *elector's proof of identity for purposes of paragraph (2) of*  
39 *subdivision (b) if the information can be successfully validated by*  
40 *reference to VoteCal:*

1     (1) *The elector's name.*

2     (2) *The elector's date of birth.*

3     (3) *Either the elector's driver's license number or the last four*  
4 *digits of the elector's social security number.*

5     2172. (a) *An elector who satisfies all the requirements of*  
6 *subdivision (b) of Section 2171 and whose personal information*  
7 *has been successfully verified using VoteCal may vote by regular*  
8 *ballot. Otherwise, the elector may vote by provisional ballot only.*

9     (b) *If an elector is unable to satisfy the requirements of*  
10 *paragraph (2) of subdivision (b) of Section 2171, the elector may*  
11 *vote by provisional ballot. No provisional ballot cast pursuant to*  
12 *this article may be counted unless and until the elector's voter*  
13 *registration is processed, verified, and completed, as provided in*  
14 *Article 5 (commencing with Section 14310) of Chapter 3 of*  
15 *Division 14.*

16     (c) *An elections official shall handle each ballot cast pursuant*  
17 *to this article in a manner that protects the secrecy of the ballot.*

18     (d) *It is the intent of the Legislature for each county elections*  
19 *official to make every effort to provide for voting pursuant to this*  
20 *article by regular ballot.*

21     2173. (a) *Each county elections official shall compile an index*  
22 *of voters who register for an election pursuant to this article. After*  
23 *the official canvass of the votes for that election is completed, the*  
24 *elections official shall review the names on the index and, if any*  
25 *registration executed pursuant to this article is discovered to be*  
26 *a duplicate registration, the elections official shall cancel any*  
27 *duplicate voter registrations that may exist, as provided in Chapter*  
28 *3 (commencing with Section 2200).*

29     (b) *After an election, the elections official shall send a voter*  
30 *notification form to each person who properly registered to vote*  
31 *for that election pursuant to this article. Each voter who is sent*  
32 *that notice shall be registered for future elections at the address*  
33 *at which the voter is registered. The affidavit of registration of*  
34 *any person whose voter notification form is returned by the post*  
35 *office as undeliverable shall be processed in accordance with the*  
36 *procedures set forth in Section 2221.*

37     (c) *If it appears that any voter who registered to vote pursuant*  
38 *to this article may have committed fraud within the meaning of*  
39 *Section 18560, the elections official shall immediately notify in*  
40 *writing both the district attorney and the Secretary of State.*

(d) Voter registration pursuant to this article shall not be used for purposes of the determination of precincts as set forth in Chapter 3 (commencing with Section 12200) of Division 12.

2174. Beginning January 1 of the year following the availability of VoteCal, one-stop voting shall be available at every permanent office of a county elections official.

2175. Each location at which one-stop voting is available shall have a separate area dedicated to one-stop voting. At least one precinct board member at each of those locations shall be trained prior to the election in one-stop voting procedures and shall be assigned to conduct one-stop voting. One-stop voting shall be conducted in a manner that does not interfere with or delay voting by persons previously registered to vote.

2176. The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this article.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SECTION 1. ~~Section 14310 of the Elections Code is amended to read:~~

~~14310. (a) At an election, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:~~

~~(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.~~

~~(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d):~~

~~(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.~~



~~(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. A provisional ballot cast shall remain sealed in its envelope for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelope specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelope used for a vote by mail ballot, and shall be completed in the same manner as a vote by mail envelope.~~

~~(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of the signature on a vote by mail ballot, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.~~

~~(2) (A) A provisional ballot shall not be included in any semiofficial or official canvass, except under the following circumstances:~~

~~(i) The elections official establishes prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote.~~

~~(ii) The votes have properly cast pursuant to Article 6 (commencing with Section 14320).~~

~~(iii) Upon the order of a superior court in the county of the voter's residence.~~

~~(B) A voter may seek the court order specified in paragraph (A) regarding his or her own ballot at any time prior to completion of the official canvass. A judicial action or appeal brought pursuant to this paragraph shall have priority over all other civil matters. A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under this section.~~

~~(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.~~

~~(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote~~

1 in his or her assigned precinct, the elections official shall count  
2 the votes for the entire ballot.

3 (B) If the ballot cast by the voter contains candidates or  
4 measures on which the voter would not have been entitled to vote  
5 in his or her assigned precinct, the elections official shall count  
6 only the votes for the candidates and measures on which the voter  
7 was entitled to vote in his or her assigned precinct.

8 (d) The Secretary of State shall establish a free access system  
9 that a voter who casts a provisional ballot may access to discover  
10 whether the voter's provisional ballot was counted and, if not, the  
11 reason why it was not counted.

12 (e) The Secretary of State may adopt appropriate regulations  
13 for purposes of ensuring the uniform application of this section.

14 (f) This section shall apply to any vote by mail voter described  
15 by Section 3015 who is unable to surrender his or her unvoted vote  
16 by mail voter's ballot.

17 (g) Any existing supply of envelopes marked "special challenged  
18 ballot" may be used until the supply is exhausted.

19 SEC. 2.— Article 6 (commencing with Section 14320) is added  
20 to Chapter 3 of Division 14 of the Elections Code, to read:

21  
22 Article 6. Election Day Voter Registration Act  
23

24 14320. (a) Notwithstanding Section 2102, an elector who  
25 qualifies to vote under this code and Section 2 of Article II of the  
26 California Constitution may register or reregister to vote as follows:

27 (1) At the office of his or her local elections official  
28 commencing on the 14th day prior to the election and continuing  
29 through election day.

30 (2) At his or her precinct on election day.

31 (b) The elections official shall send the voter notification form  
32 required by Section 2155 within 15 days after the date of the  
33 election to a person who is properly registered or reregistered to  
34 vote pursuant to this section, and the voter shall be registered for  
35 future elections at the address for which the voter is so registered  
36 or reregistered.

37 14321. (a) An elector who registers or reregisters to vote  
38 pursuant to Section 14320 prior to election day, upon showing  
39 proof of current residence, shall be furnished a vote by mail ballot.  
40 The elector may cast the ballot as provided by Section 3018.

1 ~~(b) An elector who registers or reregisters to vote pursuant to~~  
2 ~~Section 14320 on election day may cast a provisional ballot~~  
3 ~~pursuant to Section 14310. A provisional ballot cast pursuant to~~  
4 ~~this section shall be placed in an envelope distinguishable from~~  
5 ~~other provisional ballot envelopes and shall not be included in a~~  
6 ~~semiofficial or official canvass until the voter's right to vote is~~  
7 ~~established.~~

8 ~~14322. An elections official shall mail a nonforwardable~~  
9 ~~residency confirmation postcard within 10 days of an election to~~  
10 ~~a voter who registers or reregisters to vote pursuant to Section~~  
11 ~~14320 but who is unable to show proof of current residence. The~~  
12 ~~postcard shall be substantially similar in form to the postcard~~  
13 ~~mailed pursuant to Section 2220. If the postcard mailed pursuant~~  
14 ~~to this section is returned as undeliverable within 10 days of~~  
15 ~~mailing to the elections official by the post office, a provisional~~  
16 ~~ballot cast pursuant to subdivision (e) of Section 14321 shall not~~  
17 ~~be counted and registration or reregistration shall be canceled. If~~  
18 ~~the postcard is not returned within that 10-day period by the post~~  
19 ~~office, the provisional ballot shall be included in the canvass.~~

20 ~~14323. The elections official shall compile a list or index of~~  
21 ~~voters who registered or reregistered to vote pursuant to this article.~~  
22 ~~Not later than 30 days after the official canvass for the election,~~  
23 ~~the elections official shall conduct a review of the names on the~~  
24 ~~list or index and shall cancel any duplicate voter registration that~~  
25 ~~may exist.~~

26 ~~14324. For purposes of this article, the office of the elections~~  
27 ~~official may include satellite locations, as long as the requirements~~  
28 ~~of subdivision (b) of Section 3018 are satisfied.~~

29 ~~14325. The Secretary of State shall, by regulation, adopt~~  
30 ~~procedures for determining the documents or other materials that~~  
31 ~~constitute proof of current residence for purposes of voting under~~  
32 ~~this article.~~

33 ~~SEC. 3. Sections 1 and 2 of this act shall become operative on~~  
34 ~~January 1, 2012.~~

35 ~~SEC. 4. If the Commission on State Mandates determines that~~  
36 ~~this act contains costs mandated by the state, reimbursement to~~  
37 ~~local agencies and school districts for those costs shall be made~~

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O